

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|--|---|------------------------------|
| WAYNE BERRY, a Hawaii citizen, |) | CIVIL NO. CV03-00385 SOM-LEK |
| |) | (Copyright) |
| Plaintiff, |) | |
| |) | DECLARATION OF LYLE S. |
| v. |) | HOSODA |
| |) | |
| HAWAIIAN EXPRESS SERVICE, |) | |
| INC., a California corporation; et al. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

DECLARATION OF LYLE S. HOSODA

I, LYLE S. HOSODA, hereby declare as follows:

1. I am the principal attorney of the law firm of LYLE S.

HOSODA & ASSOCIATES, L.L.C., attorneys for Defendants Brian Christensen, Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfreda Waiolama, and Jacqueline Rio (collectively "Employees") and am licensed to practice in all of the state and federal courts in the State of Hawaii.

2. I have personal knowledge of the facts stated in this declaration and if called as a witness, I could and would testify to all matters set forth herein of my own knowledge.

3. On March 2, 2007, the Order Adopting and Modifying the October 25, 2006, and December 4, 2006, Reports of Special Master on the

Parties' Motions for Attorneys' Fees and Costs was entered herein ("Fees and Costs Order") in favor of Defendant Brian Christensen ("Christensen") and against Plaintiff Wayne Berry ("Berry") in the amount of \$27,507.20 as follows:

On December 4, 2006, the magistrate judge issued a special master's report on Berry's, Employees, and Fleming's motions for fees and costs ("12/04/2006 Report" or "December 4 Report"). The magistrate recommended that this court grant in part and deny in part all of the motions by: . . . (3) awarding Employees' attorneys' fees incurred by Christensen in the amount of \$27,507.20 and denying their motion in all other respects.

* * *

The court disagrees with Berry and adopts the magistrate's recommendation to award Christensen attorneys' fees.

See Fees and Costs Order (March 2, 2007) at pages 3 and 26.

4. The Fees and Costs Order is a final and enforceable judgment.

See Order Declining Defendants' Request for Additional Entry of Judgment, entered herein on May 21, 2007.

5. The foregoing Judgment has been appealed, but has not been reversed, modified, or set aside, in whole or in part, and remains in full force and effect. No bond has been posted by Berry and any stay of execution has expired.

6. The Judgment remains unsatisfied, and Christensen is still an owner and holder of the Judgment.

7. By virtue of said Judgment, there is presently due and owing to Christensen the sum of \$27,507.20, exclusive of post-judgment interest thereon. No payments have been made by Berry, despite written demand by Christensen.

I declare under penalty of perjury under the laws of the State of Hawaii that the foregoing is true and correct.

DATED: Honolulu, Hawaii, February 20, 2008.

/s/ Lyle S. Hosoda
LYLE S. HOSODA